



Community Development Department
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Minutes
WASHINGTON CITY PLANNING COMMISSION
April 1, 2015

Present: Commissioner Smith, Commissioner Shepherd, Commissioner Henrie, Commissioner Martinsen, Drew Ellerman, Lester Dalton, Kathy Spring, Curtis Rogers, Kimball Gardner, Ida Jorgensen, Jay Jorgensen, Lynn Cassy, Paul Maag, Jim Price, Mike Buksa, Dan Buksa, Fred Buksa, Michelle Fleming, Eric Fleming, Brandee Walker.

Meeting called to order: 5:30 PM
Commissioner Smith excused Commissioner Williams.
Invocation: Commissioner Martinsen
Pledge of Allegiance: Commissioner Smith

1. APPROVAL OF AGENDA

A. Approval of the agenda for April 1, 2015.
Commissioner Henrie motioned to approve the agenda for April 1, 2015.
Commissioner Shepherd seconded the motion.
Motion passed unanimously.

2. APPROVAL OF MINUTES

A. Approval of the minutes from March 18, 2015.
Commissioner Shepherd motioned to approve the minutes from March 18, 2015.
Commissioner Henrie seconded the motion.
Motion passed unanimously.

3. DECLARATION OF ABSTENTIONS & CONFLICTS

None

4. FINAL PLAT

A. Consideration and recommendation to City Council for the Westgate Hills Phase 2C Final Plat located at approximately 140 North Cliffside Drive. Applicant: Richard Rogers

Background

Drew Ellerman stated the applicant is requesting approval of a final plat for the Westgate Hills, Phase 2C subdivision, located at approximately 140 North Cliffside Drive. This particular subdivision is proposing 10 lots on an area covering 12.26 acres. The specific location of this subdivision is zoned Planned Unit Development (PUD). The Amended Preliminary Plat was approved back on January 14, 2015.

Staff has reviewed the requested proposal, and the proposed final plat, conforms to the approved amended preliminary plat.

Recommendation

Staff recommends that the Planning Commission recommend approval of the Final plat for the Westgate Hills, Phase 2C subdivision to the City Council, based on the following findings and subject to the following conditions:

Findings

1. The final plat meets the land use designation as outlined in the General Plan for the proposed area.
2. That the final plat conforms to the Washington City Zoning Ordinance and Subdivision Ordinance as outlined.
3. The proposed final plat conforms to the approved amended preliminary plat.

Conditions

1. All improvements shall be completed or bonded for prior to recording the final plat.
2. A current title report policy shall be submitted prior to recording the final plat.
3. Any referenced control monuments related to this subdivision shall be in place prior to recordation of the final plat. A stamped and signed letter from a professional land surveyor licensed in the state of Utah that verifies that the referenced control monuments are in place shall be submitted to the Community Development Department for filing prior to plat recordation.
4. When applicable, in the General Notes where the terms "Home Owners Association", or "Property Owners" are used, they shall be changed to read as "Property Owners and/or Home Owners Association".
5. That a Post Construction Maintenance Agreement be recorded prior to the recording of the final plat.
6. "Common Areas" need to be also be labeled as "Retention Areas", and noted on final plat that the Home Owners Association and/or Property Owners will be responsible for maintenance of these areas.

Commissioner Henrie asked if this is for 10 lots because the lot numbers are confusing on the plat.

Mr. Ellerman clarified the lots numbering.

Commissioner Shepherd asked about cutting into the hillside.

Mr. Ellerman stated the hillside ordinance states if prior preliminary plat was approved they would not have to follow the requirements and a phase was recorded prior to the ordinance being adopted.

Commissioner Shepherd asked if the entire project would follow Westgate Hill Drive and would connect to this project.

Mr. Ellerman stated it would connect and go along Cliffside Drive.

Commissioner Henrie motioned to recommend to City Council with the findings and conditions of staff.

Commissioner Shepherd seconded the motion.

Motion passed unanimously.

5. PLAT AMENDMENT

- A. Public Hearing for consideration and recommendation to City Council for Rio Virgin Industrial Park Phase 2 Plat Amendment to combine lots 203,204 and 205 located at 1473 South Sandhill Drive. Applicant: Fred Buksa

Background

Drew Ellerman stated the applicant is requesting approval of an Amended and Extended Final Plat for the Rio Virgin Industrial Park, Phase 2 subdivision, located at approximately 1473 South Sandhill Drive. The reason for this amendment and extension request, is due to the combining of parcels (203, 204 and 205) which will eliminate lot lines and the extension of property into this same area from the adjoining property to the east (Mahas property).

Staff has reviewed the proposed amended final plat and finds it conforms to the PUD zoning that is part of this development approval. The subdivision also remains in compliance to the Subdivision Ordinance of the City.

Recommendation

Staff recommends that the Planning Commission recommend approval of the Second Amended Final Plat for the Rio Virgin Industrial Park, Phase 2 subdivision to the City Council, based on the following findings and subject to the following conditions:

Findings

1. The amended final plat meets the land use designation as outlined in the General Plan for the proposed area.
2. That the amended final plat conforms to the Washington City Zoning Ordinance and Subdivision Ordinance as outlined.

Conditions

1. All improvements shall be completed or bonded for prior to recording the final plat.
2. A current title report policy shall be submitted prior to recording the final plat.
3. Any referenced control monuments related to this subdivision shall be in place prior to recordation of the final plat. A stamped and signed letter from a professional land surveyor licensed in the state of Utah that verifies that the referenced control monuments are in place shall be submitted to the Community Development Department for filing prior to plat recordation.
4. Where applicable, in the General Notes where the terms "Home Owners Association", or "Property Owners", shall be changed to read as "Property Owners and/or Home Owners Association".
5. That a post maintenance agreement be recorded prior to the recording of the final plat.

Commissioner Smith asked if staff has reviewed the PUE.

Mr. Ellerman answered yes.

Commissioner Shepherd asked if the applicant has purchased the Mahas property.

Commissioner Henrie asked if access is an issue.

Mr. Ellerman stated no there is adequate access.

Fred Buksa stated the property has already been purchased in the way of exchanged property, which has been recorded.

Commissioner Smith opened the public hearing.

Commissioner Henrie expressed to the applicant that he appreciated his business in the community.

Commissioner Henrie motioned to close the public hearing.

Commissioner Shepherd seconded the motion.

Motion passed unanimously.

Commissioner Shepherd motioned to recommend approval to City Council with the findings and conditions of staff.

Commissioner Henrie seconded the motion.

Motion passed unanimously.

6. PRELIMINARY PLAT

- A. Public Hearing for consideration and recommendation to City Council for the NuTeam Industrial Park Preliminary Plat located at approximately 1275 South 1900 East. Applicant: James Jessop

Background

Drew Ellerman stated the applicant is requesting approval of a preliminary plat for the NuTeam Industrial Park subdivision, located at approximately 1275 South 1900 East. The applicant is wishing to develop 7 lots on an area covering 4.555 acres. The location of this particular project is zoned Heavy Industrial (I-2).

The request meets the zoning regulation requirements and all other city ordinances as it relates to this location. Staff has reviewed the request and recommends that the proposed subdivision be approved with conditions as outlined in this report.

Recommendation

Staff recommends that the Planning Commission recommend approval of the Preliminary Plat for the NuTeam Industrial Park subdivision to the City Council, based on the following findings and subject to the following conditions:

Findings

1. The preliminary plat meets the land use designation as outlined in the General Plan for the proposed area.
2. That the preliminary plat conforms to the Zoning Regulations and the Subdivision Ordinance as conditioned.

Conditions

1. A final drainage study and grading and drainage plan shall be submitted for review and approval prior to moving dirt. Development of the site shall comply with the recommendations of the geotechnical study and drainage study, and improvements for drainage and detention shall be approved by the Public Works Department.
2. A final geotechnical study shall be submitted to the City for review and approval prior to submitting the final plat. All recommendations of the geotechnical study shall be adhered to.
3. Construction drawings for the subdivision and its infrastructure shall be submitted to the City for review and approval prior to the submittal for final plat.

4. The construction drawings shall adequately address prevention of nuisance storm water drainage across lots. If retaining walls are utilized to prevent cross-lot drainage, the developer shall be responsible for installing said retaining walls.
5. At the time of final plat submittal, the following documents shall also be submitted:
 - A. A title report.
 - B. A copy of any deed restrictions, other restrictions, restrictive covenants, architectural controls, or other requirements that may apply to the development (CC&Rs).
6. All detention areas shall be landscaped and all detention and landscaped areas shall be maintained by the property owners and/or homeowners association. A note shall be placed on the plat stating that the City has the right to assess the property owners and/or homeowners association for failing to maintain the detention and landscaped areas.
7. A final landscaped plan and fencing plan shall be submitted for review and approval prior to the submittal of the final plat. Landscaping and fencing shall be installed prior to the occupancy of the buildings that will be constructed along the landscaped and fenced areas.
8. All landscaping, walls and other structures shall meet sight distance requirements. A note shall be placed on the final plat stating that the City has the right to assess the property owners and/or homeowners association for failing to maintain sight distance requirements.
9. Driveway locations are to be approved by the Public Works Department.
10. Any proposed blasting for the development of the subdivision requires the submittal of a blasting plan with the construction drawings and issuance of a blasting permit.
11. Shared access agreement will need to be provided for Lot #7 before the recording of the final plat.
12. A Post Construction Maintenance Agreement needs to be recorded prior to the Final Plat recordation.
13. The Dennett East Industrial Park will have to be amended with the dedication of the proposed roadway (public right-of-way) before this plat will be considered for final plat submittal.

Mr. Ellerman stated there is an email from Steve Hurst the property owner of lot 4 in the Dennett East Industrial Park that expressed his concerns and Mr. Ellerman reviewed the emailed concerns on the overhead. He stated he would recommend additional condition as part of the motion. His concerns were that the radius of the intersection of the new road and 1900 East encroaches on the southeast corner of lot 4 and that an existing building on lot 4 with a 10' setback from the south property line. He is requesting a 20' street side setback from an existing road. Also the existing retaining wall between lot 4 and 5 be a sort of engineering review.

Commissioner Shepherd asked for clarification of the additional conditions. She asked about the public street.

Mr. Ellerman stated the street would be a dedicated road and they would need to do a lot line adjustment.

Commissioner Henrie asked if the 20-foot setback would be required by the city or is it a request.

Mr. Ellerman stated it should be a 20-foot setback but the road will be coming in after the fact but the property owner is requesting it. Telegraph is an example of a road coming in and so there are some properties that don't meet the setbacks.

Commissioner Smith stated if Mr. Hurst was to build a new structure it would need to be noted to meet setbacks.

Mr. Ellerman stated he would probably go through the variance process even though he doesn't normally like to do variances.

Commissioner Henrie asked for clarification of the retaining wall.

Mr. Ellerman stated the dotted line on the plat is the retaining wall.

Commissioner Shepherd asked if it is also on the property line.

Commissioner Smith stated according to the radius it would appear the wall is on the property line.

Mr. Ellerman stated he is inclined to be concerned with the easement because if it clipped it a couple of feet then the PUE would be affected.

Commissioner Shepherd stated she would be concerned with the integrity of the retaining wall with the street being put above it.

Mr. Ellerman stated that would be something to look at during construction drawing approval process.

Commissioner Henrie asked if the 10-foot setback would affect the property value on lot 4.

Mr. Ellerman stated he doesn't see why it would. His opinion is property values are what someone is willing to pay. There doesn't seem to be a loss.

Attorney Jeff Starkey asked about lot 7 regarding the access.

Mr. Ellerman stated there would be a shared access with the B&S Brothers or the Hardy property. He stated some of the conditions are that the Dennett Industrial Park has to be amended.

James Jessop stated he hasn't had any conversation with the current property owner. He had spoken with the prior owner and he will get in contact with Mr. Hurst. The retaining wall will go away and will be put further onto lot 5. That will open it up and make it better for him because there is a steep drop. He stated he is the owner of lot 5 in the Dennett East Industrial Park so he is okay with anything that would need to be done or any changes on that lot. He stated Lester Dalton doesn't want access off of Washington Dam Road.

Commissioner Shepherd asked for clarification of the access with lot 7.

Mr. Jessop stated he would have to work out shared access for lot 7 with B&S Brothers or the Hardy property.

Commissioner Shepherd asked how much lower it will be from the street.

Mr. Jessop stated it would drop about 7 1/2 feet and then come in level with the street.

Commissioner Henrie asked Mr. Jessop how he would work out the issues with Mr. Hurst.

Mr. Jessop stated regarding the email they would take the wall out and put it on the opposite side and that will open up his property. The only other concern is the corner and they will work it out with Mr. Hurst.

Commissioner Shepherd stated she would rather the issues were addressed before they approve this.

Mr. Jessop asked if the commission would give him some stipulations so he knows what to address.

Commissioner Henrie asked if the applicant would be ready for the next meeting.

Brandee Walker asked that this not be tabled, they will address all issues and this does comply with the city requirements. She stated the retaining wall would belong to lot 5. Lot 4 will have better access. Mr. Jessop purchased additional property from lot 4 and so the wall was placed on his property.

Mr. Ellerman stated there is a current building in the back corner of his property and there would be a justification for another curb cut. He stated the cul de sac is a 60-foot radius; this is a request per public works.

Commissioner Henrie stated he would suggest that the plat show the proposed retaining wall.

Mr. Ellerman stated there could be an added note.

Commissioner Smith opened the public hearing.

No response.

Commissioner Henrie motioned to close the public hearing.

Commissioner Shepherd seconded the motion.

Motion passed unanimously.

Commissioner Smith stated the conditions take care of the main concern but he is concerned with the email and how it would be resolved with the person not being here to give approval. He stated he understands the applicant not wanting to table this but would rather have the email concerns dealt with first.

Commissioner Henrie stated he is uncomfortable with having things not worked out. He stated the 10-foot easement is not a concern to him.

Commissioner Shepherd stated she would rather have the issues resolved.

Attorney Jeff Starkey stated he isn't as concerned because staff has already placed conditions to address the issues. If staff doesn't approve of what they propose they won't approve it. He stated he is okay with the commissioner's adding conditions or they could table it.

Commissioner Shepherd stated if they put conditions on it and approve it they may not agree with the alternatives and the way they worked it out.

Commissioner Smith stated if he had his hat on for his day job he would not usually like to see items tabled and tries to lean that way as a commissioner. He stated the email was not known to the applicant to allow him to respond to the property owner. He would rather the issues be addressed before recommendation to approve.

Commissioner Henrie asked Mr. Ellerman for his advice on conditions per the email.

Mr. Ellerman stated he would rather not put conditions on the City Council's shoulders. He will at times recommend denial or no recommendation if he can't help the applicant. If it were just the 10-foot setback he would not be too concerned. He stated he understands why the applicant needs to know if this could be approved prior to the amendment of Dennett Industrial Park. He would suggest this item be tabled to address all of the items if the commissioners are so inclined. He stated the applicant just informed him that they are okay with moving the road 4 feet to the south off of lot 4.

Mr. Jessop stated they want to keep lot 5 as large as they can but they are okay with moving the road off of lot 4. He stated he could work out the issues with the property owner.

Mr. Ellerman stated this has to be worked out before it goes to City Council in three weeks.

Mr. Jessop stated he would meet with the property owner of lot 4.

Commissioner Shepherd asked if Mr. Jessop has spoken with Mr. Hurst.

Mr. Jessop stated no they had spoken about some rock. He stated he would meet with him to work out the issues.

Commissioner Shepherd stated there are a lot of assumptions being made. She appreciate she applicant for moving the road. She stated she would still rather have everything worked out before they approve it.

Commissioner Henrie asked what happens if they approve it and they don't move it.

Mr. Ellerman stated there are adjustments that happen in construction drawings. He stated he wouldn't bring it back at that point.

Commissioner shepherd asked Ms. Walker how many feet would it need to be moved over.

Brandee Walker stated if lot 4 doesn't agree lot 5 will have to do the road. She stated this is a better plan because it eliminates access off of Washington Dam Road. The retaining wall will be moved onto lot 5. She stated they don't have the power to force lot 4 do anything.

Commissioner Henrie motioned to recommend approval to City Council with the findings and conditions of staff with the added recommendation that the applicant work out lot 4 issues and the placement of the roadway.

Commissioner Martinsen seconded the motion.

Motion passed unanimously.

7. ZONE CHANGE

- A. Public Hearing for consideration and recommendation to City Council a Zone Change request Z-15-04 to change from A-20 to R-1-12 located at approximately 1670 South Washington Fields Road. Applicant: Vernbali Contractors, LLC, Jim Price

Background

Drew Ellerman stated the applicant is requesting approval to change the zoning of approximately 1.57 acres, located approximately at 1670 South Washington Fields Road. The requested change is

from the current zoning of Agricultural - 20 acre min. (A-20) to a proposed Single-Family Residential - 12,000 Sq. Ft. Min. (R-1-12) zoning designation. These parcels came into the city through the annexation process many years ago with the existing two (2) homes already built. A developer is wishing to built three (3) more homes on the existing vacant lots and is wishing to have them rezoned for setback issues. Agricultural 20 acre zoning requires a much larger setback than the Single-Family Residential zones.

The General Plan Land Use Designation for this location is Low Density Residential (LD). The surrounding zoning to this parcel is R-1-12, PUD and RA-½ to the east, and A-20 to the north, west, and south.

Staff has reviewed the requested zone change and finds it to conform to the General Plan and the Zoning Ordinance.

Recommendation

Staff recommends that the Planning Commission recommend approval of Z-15-04, for the zone change request from Agricultural - 20 acre min. (A-20) to Single-Family Residential - 12,000 Sq. Ft. Min. (R-1-12), to the City Council, based on the following findings.

Findings

1. That the requested zoning conforms to the intent of the land use designation of the General Plan.
2. The utilities that will be necessary for this type of development will be readily accessible to the site.

Mr. Ellerman stated the main issue is meeting the setbacks for the Agriculture Zone. This zone change would allow for appropriate setbacks, which these lots don't currently meet the size requirements to allow for setback requirement for the Agriculture zone.

Commissioner Shepherd asked what about the previous variance for the wall height request.

Mr. Ellerman stated the variance includes these lots. He stated in a staff developers meeting the Fire Marshall stated he is good with the gates along the wall, that they would handle a fire from Washington Fields Road. There will be gates for each lot.

Commissioner Shepherd asked if the wall would be the same height and design.

Mr. Ellerman stated there was to be a decorative block on the wall and he would hope that the applicant would do that.

Jim Price stated he represents the applicant. He stated they don't want to change anything that isn't already there.

Commissioner Smith opened the public hearing.

Kimball Gardner stated he lives across the street. He stated the wall was put in for noise but the access is only 18 feet in then curves to the lots. He stated the hood of a car has to be out on the Washington Fields Road in order to see because of the wall. He stated if the fire were fought from Washington Fields Road it would be a dangerous hazard.

Mr. Gardner asked about garbage pick up because of the 18-foot access so the garbage would have to be picked up on Washington fields Road.

Ida Jorgenson stated she lives on Meadow Lane and her concern is the entrance to the project. She stated there are three entrances that are creating a problem and the church entrances as well. She stated with traffic and the speed she would recommend an entrance at the other end of this proposal. She stated this is a narrow piece of land to build houses and put in a road and with a road she is concerned with them cutting into the hill. She stated traffic is a big concern and cutting into the hill are her main concerns.

Commissioner Smith asked Mr. Ellerman about the existing Nisson access and access to the homes, is it private and how wide.

Mr. Ellerman stated the easement is a 30-foot north and south slope easement and 15-foot access easement and the lots are 113 feet deep. Then another access is 18 foot to the properties. He stated this has been here a long time this is not a subdivision request because the lots came to the city by way of annexation. The homes can be built but the zoning is to help them meet setbacks and the hill won't be cut into and there are existing homes. He stated it will be tight and this is the minimum the city could do. This was worked out because the city needed the signal light. He stated he realizes there is going to be a traffic concern but the access can't be too close to the signal light or intersection. He stated the access is safer than staggered access. He stated moving the access to the other end doesn't meet the access management plan.

Commissioner Smith explained that the city has inherited this issue and there isn't a perfect solution.

Mr. Ellerman stated the city isn't creating a problem and the property owner does have the right to develop their property.

Commissioner Smith stated Nisson access was there before Meadow Lane came in.

Paul Maag stated he understand the concerns. He stated the concern is the same with Meadow Lane is the same distance from the intersection. He stated if their access is unsafe so is Meadow Lane.

Commissioner Shepherd motioned to close the public hearing.
Commissioner Henrie seconded the motion.
Motion passed unanimously.

Commissioner Smith stated he understand the concerns and would ask the applicant to mitigate some of the concerns for example the garbage pick up. He stated this is a zone change and the lots already exist and it is a difficult area to build on.

Commissioner Shepherd asked if this would come before them again.

Mr. Ellerman answered no this zone change would allow for better setbacks.

Commissioner Shepherd asked about the corner so the car isn't out on the street.
Mr. Ellerman stated it does angle a bit.

Commissioner Shepherd stated this is a difficult property for the property owners and the city and the city has already taken part of the property. She stated there doesn't seem to be an ideal situation for anyone.

Commissioner Shepherd motioned to recommend to City Council with the recommendation and findings of staff.

Commissioner Henrie seconded the motion.

Motion passed unanimously.

8. PLAT VACATION

- A. Continuation from March 4, 2015 the Public Hearing for consideration and recommendation to City Council a Plat Vacation for Kennsington Subdivision Parcel 2 located at approximately 3930 South 400 East. Applicant: Steve Kemp

Background

Drew Ellerman stated this item was tabled back on March 4, 2015, to allow for certain easements to be vacated and/or recorded to clean up the plat in question. Those vacations and recordings have been approved and this item is ready to move forward for the request of the vacation.

The applicant is requesting approval of a Vacation of the Final Plat of the Kennsington Subdivision, located at approximately 3930 South 400 East. Recently, Parcel 1 of this subdivision was vacated through approval of the Planning Commission and City Council. The proposed developer of a large portion of the remaining Parcel 2 is wishing to develop a project and needing to have the "Kennsington Subdivision vacated to do so.

With the necessity to have this plat vacated for future projects to be recorded, Staff is recommending that the old Kennsington Subdivision be vacated as soon as possible.

Recommendation

Staff recommends that the Planning Commission recommend approval of the Vacation of the Final Plat for the Kennsington Subdivision to the City Council based on the following findings:

Findings

1. The vacated final plat is necessary for the recording of a new project within the city.
2. That the vacated final plat is in conformance of the Subdivision Ordinance as outlined.

Commissioner Smith reopened the public hearing from March 4 2015.

No response.

Commissioner Shepherd motioned to close the public hearing.

Commissioner Henrie seconded the motion.

Motion passed unanimously.

Commissioner Henrie motioned to recommend approval to City Council with the recommendation and finding of staff.

Commissioner Martinsen seconded the motion.

Motion passed unanimously.

9. DISCUSSION ITEMS

A. Discussion of information for the Planning Commissioners.

Drew Ellerman reminded the commissioner of the ADA Planning Conference that starts tomorrow April 2 and they are all registered.

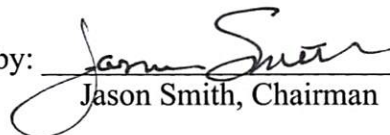
Commissioner Henrie motioned to adjourn the Planning Commissioner meeting.

Commissioner Shepherd seconded the motion.

Motion passed unanimously.

Meeting adjourned: 7:35 PM

Washington City

Signed by: 
Jason Smith, Chairman

Attested to: 
Kathy Spring, Zoning Technician